

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1230

By: McBride of the House

4 and

Weaver of the Senate

5
6
7 [education - requiring State Department of Education
8 to list on its website approved accrediting
9 associations - effective date]

10

11

12 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
13 entire bill and insert

14 "An Act relating to education; amending 70 O.S. 2011,
15 Section 13-101.2, as last amended by Section 1,
16 Chapter 249, O.S.L. 2017 (70 O.S. Supp. 2018, Section
17 13-101.2), which relates to the Lindsey Nicole Henry
18 Scholarships for Students with Disabilities Program;
19 requiring State Department of Education to list on
20 its website approved accrediting associations;
21 directing the Department to provide on its website
22 certain information submitted by approved schools;
23 directing the Department to post on its website each
24 participating school's annual compliance statement;
directing the Department to prepare and post on its
website certain annual report; providing for contents
of report; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 13-101.2, as
2 last amended by Section 1, Chapter 249, O.S.L. 2017 (70 O.S. Supp.
3 2018, Section 13-101.2), is amended to read as follows:

4 Section 13-101.2 A. There is hereby created the Lindsey Nicole
5 Henry Scholarships for Students with Disabilities Program. The
6 Lindsey Nicole Henry Scholarships for Students with Disabilities
7 Program is established to provide a scholarship to a private school
8 of choice for students with disabilities for whom an individualized
9 education program (IEP) in accordance with the Individuals with
10 Disabilities Education Act (IDEA) or an individualized service plan
11 pursuant to Section 1-4-704 of Title 10A of the Oklahoma Statutes
12 has been developed at any time prior to notifying the State
13 Department of Education of the intent to participate in the Program
14 and the IEP is in effect at the time the request for a scholarship
15 is received by the State Department of Education. Scholarships
16 shall be awarded beginning with the 2010-2011 school year.

17 B. The parent or legal guardian of a public school student with
18 a disability may exercise their parental option and request to have
19 a Lindsey Nicole Henry Scholarship awarded for the child to enroll
20 in and attend a private school in accordance with this section and
21 the scholarship shall be awarded if:

22 1. The student has spent the prior school year in attendance at
23 a public school in this state. For purposes of this section, "prior
24 school year in attendance" means that the student was enrolled in

1 and reported by a school district for funding purposes during the
2 preceding school year regardless of whether or not the student had
3 an IEP at the time the student was counted for funding purposes. A
4 student who is a child of a member of the United States Armed Forces
5 who transfers to a school in this state from out of state or from a
6 foreign country pursuant to a permanent change of station orders of
7 the parent shall be exempt from the requirements of this paragraph
8 but shall be required to meet all other eligibility requirements to
9 participate as provided for in this section. A student who has been
10 provided services under an Individual Family Service Plan through
11 the SoonerStart program and during transition was evaluated and
12 determined to be eligible for school district services shall be
13 exempt from the requirements of this paragraph but shall be required
14 to meet all other eligibility requirements to participate as
15 provided for in this section. A student who was in out-of-home
16 placement with the Department of Human Services, who was adopted
17 while in the permanent custody of the Department of Human Services
18 or who was in out-of-home placement with the Office of Juvenile
19 Affairs shall be exempt from the requirements of this paragraph but
20 shall be required to meet all other eligibility requirements to
21 participate as provided for in this section; and

22 2. The parent or legal guardian has obtained acceptance for
23 admission of the student to a private school that is eligible for
24 the program as provided in subsection H of this section and has

1 notified the State Department of Education of the request for a
2 scholarship. Requests to participate in the program made after
3 December 1 shall be granted, but funding for scholarships requested
4 after December 1 shall not be available until the beginning of the
5 next school year. The request shall be through a communication
6 directly to the Department in a manner that creates a written or
7 electronic record of the request and the date of receipt of the
8 request. The Department shall notify the school district upon
9 receipt of the request. For purposes of continuity of educational
10 choice, the scholarship shall remain in force until the student
11 returns to a public school, graduates from high school or reaches
12 the age of twenty-two (22), whichever occurs first. At any time,
13 the parent or legal guardian of the student may remove the student
14 from the private school and place the student in another private
15 school that is eligible for the program as provided in subsection H
16 of this section or place the student in a public school.

17 C. A student shall be eligible for a scholarship if the parent
18 or legal guardian of the student made a request for a scholarship
19 for the 2010-2011 school year and the student transferred to an
20 eligible private school but was subsequently denied a scholarship
21 because the student did not have an IEP in effect on October 1,
22 2009, but did meet all other eligibility requirements as set forth
23 in the Lindsey Nicole Henry Scholarships for Students with
24 Disabilities Program Act.

1 D. A student shall not be eligible for a Lindsey Nicole Henry
2 Scholarship if the student is not having regular and direct contact
3 with the private school teachers at the physical location of the
4 private school.

5 E. School districts shall notify the parent or legal guardian
6 of a public school student with a disability of all options
7 available pursuant to this section and inform the parent or legal
8 guardian of the availability of information about the program from
9 the State Department of Education through the toll-free telephone
10 number or website. The notification shall be provided with or
11 included in the copy of the "Parents Rights in Special Education:
12 Notice of Procedural Safeguards" document given to parents at least
13 annually or as otherwise required by law.

14 F. 1. Acceptance of a Lindsey Nicole Henry Scholarship shall
15 have the same effect as a parental revocation of consent to service
16 pursuant to 20 U.S.C., Sections 1414(a)(1)(D) and 1414(C) of the
17 IDEA.

18 2. Upon acceptance of a Lindsey Nicole Henry Scholarship, the
19 parent or legal guardian shall assume full financial responsibility
20 for the education of the student, including but not limited to
21 transportation to and from the private school.

22 G. If the parent or legal guardian requests a Lindsey Nicole
23 Henry Scholarship and the student is accepted by the private school
24 pending the availability of a space for the student, the parent or

1 legal guardian of the student shall notify the State Department of
2 Education before entering the private school and before December 1
3 in order to be eligible for the scholarship during the school year
4 when a space becomes available for the student in the private
5 school. If notification is made after December 1, payment of the
6 scholarship shall not begin until the next school year.

7 H. 1. To be eligible to participate in the Lindsey Nicole
8 Henry Scholarships for Students with Disabilities Program, a private
9 school shall notify the State Department of Education of its intent
10 to participate. The notice shall specify the grade levels and
11 services that the private school has available for students with
12 disabilities who are participating in the scholarship program. The
13 State Department of Education shall approve a private school as
14 eligible to participate in the scholarship program upon
15 determination that the private school:

16 ~~1. Meets~~

17 a. meets the accreditation requirements set by the State
18 Board of Education or another accrediting association
19 approved by the State Board of Education~~7.~~ The State
20 Department of Education shall list on its website all
21 accrediting associations approved by the Board,

22 ~~2. Demonstrates~~

23 b. demonstrates fiscal soundness by having been in
24 operation for one (1) school year or providing the

1 State Department of Education with a statement by a
2 certified public accountant confirming that the
3 private school desiring to participate is insured and
4 the owner or owners have sufficient capital or credit
5 to operate the school for the upcoming year by serving
6 the number of students anticipated with expected
7 revenues from tuition and other sources that may be
8 reasonably expected. In lieu of a statement, a surety
9 bond or letter of credit for the amount equal to the
10 scholarship funds for any quarter may be filed with
11 the Department~~†~~†

12 ~~3. Complies~~

13 c. complies with the antidiscrimination provisions of 42
14 U.S.C., Section 2000d~~†~~†

15 ~~4. Meets~~

16 d. meets state and local health and safety laws and
17 codes~~†~~†

18 ~~5. Will~~

19 e. will be academically accountable to the parent or
20 legal guardian for meeting the educational needs of
21 the student~~†~~†

22 ~~6. Employs~~

23 f. employs or contracts with teachers who hold
24 baccalaureate or higher degrees, or have at least

1 three (3) years of teaching experience in public or
2 private schools, or have special skills, knowledge, or
3 expertise that qualifies them to provide instruction
4 in subjects taught~~r~~l

5 ~~7. Complies~~

6 g. complies with all state laws relating to general
7 regulation of private schools~~r~~l and

8 ~~8. Adheres~~

9 h. adheres to the tenets of its published disciplinary
10 procedures prior to the expulsion of a scholarship
11 student.

12 2. Upon approval of a private school, the State Department of
13 Education shall provide on its website all information and material
14 submitted by the private school with its application.

15 I. 1. Lindsey Nicole Henry Scholarship Program participants
16 shall comply with the following:

17 a. the parent or legal guardian shall select the private
18 school from the schools approved for eligibility
19 pursuant to subsection H of this section and apply for
20 the admission of the child,

21 b. the parent or legal guardian shall request the
22 scholarship no later than December 1 of the school
23 year during which the scholarship is requested,
24

- 1 c. any student participating in the scholarship program
2 shall attend throughout the school year, unless
3 excused by the school for illness or other good cause,
4 and shall comply fully with the code of conduct for
5 the school,
- 6 d. the parent or legal guardian shall fully comply with
7 the parental involvement requirements of the private
8 school, unless excused by the school for illness or
9 other good cause, and
- 10 e. upon issuance of a scholarship warrant, the parent or
11 legal guardian to whom the warrant is made shall
12 restrictively endorse the warrant to the private
13 school for deposit into the account of the private
14 school. The parent or legal guardian may not
15 designate any entity or individual associated with the
16 private school as the attorney in fact for the parent
17 or legal guardian to endorse a warrant. A parent or
18 legal guardian who fails to comply with this
19 subparagraph shall forfeit the scholarship.

20 2. A participant who fails to comply with this subsection
21 forfeits the scholarship.

22 J. Provisions governing payment of a Lindsey Nicole Henry
23 Scholarship shall be as follows:
24

1 1. The State Department of Education shall calculate the total
2 cost of all scholarships for all eligible students in the state.

3 The State Department of Education shall then reserve or retain from
4 the total amount appropriated to the State Board of Education for
5 State Aid purposes and any other revenue available for allocation
6 for State Aid purposes the total cost for all scholarship payments;

7 2. The maximum scholarship granted for an eligible student with
8 disabilities shall be a calculated amount equivalent to the total
9 State Aid factors for the applicable school year multiplied by the
10 grade and disability weights generated by that student for the
11 applicable school year. The disability weights used in calculating
12 the scholarship amount shall include all disability weights which
13 correspond to the disabilities included in the multidisciplinary
14 evaluation and eligibility group summary for the student at the time
15 the request for a scholarship is made by the parent or legal
16 guardian. The maximum scholarship amount shall be calculated by the
17 State Board of Education for each year the student is participating
18 in the scholarship program;

19 3. The amount of the scholarship shall be the amount calculated
20 in paragraph 2 of this subsection or the amount of tuition and fees
21 for the private school, whichever is less, minus up to two and one-
22 half percent (2 1/2%) of the scholarship amount which may be
23 retained by the State Department of Education as a fee for
24 administrative services rendered. The amount of any assessment fee

1 required by the private school and the amount associated with
2 providing services and therapies to address the disabilities of the
3 student may be paid from the total amount of the scholarship. The
4 amount of the scholarship shall be prorated to reflect the number of
5 days remaining in the current school year, if the scholarship
6 request is granted after the beginning of the school year;

7 4. The State Department of Education shall notify the private
8 school of the amount of the scholarship within ten (10) days after
9 receiving the request for a scholarship, when the total State Aid
10 factors have been determined for the current fiscal year. The
11 initial payment shall be made after the Department verifies
12 admission acceptance and enrollment. Quarterly payments shall be
13 made upon verification of continued enrollment and attendance at the
14 private school. Payment shall be made by the Department with an
15 individual warrant made payable to the parent or legal guardian of
16 the student and mailed by the Department to the private school that
17 the parent or legal guardian chooses. The parent or legal guardian
18 shall restrictively endorse the warrant to the private school for
19 deposit into the account of the private school;

20 5. The State Department of Education shall not be responsible
21 for any additional costs associated with special education and
22 related services incurred by the private school for the student
23 including the cost of teachers, equipment, material, and special
24 costs associated with the special education class;

1 6. The State Department of Education shall establish a toll-
2 free telephone number or website that provides parents or legal
3 guardians and private schools with information about the program;

4 7. The State Department of Education shall require an annual,
5 notarized, sworn compliance statement by participating private
6 schools certifying compliance with state laws and shall retain all
7 records received from a participating private school. The State
8 Department of Education shall post on its website the annual
9 compliance statement for each participating private school; and

10 8. The State Department of Education shall cross-check the list
11 of participating scholarship students with the public school
12 enrollments prior to each scholarship payment to avoid duplication.

13 K. 1. The State Superintendent of Public Instruction shall
14 deny, suspend, or revoke the participation of a private school in
15 the scholarship program if it is determined that the private school
16 has failed to comply with the provisions of this section. However,
17 in instances in which the noncompliance is correctable within a
18 reasonable amount of time and in which the health, safety, or
19 welfare of the students is not threatened, the Superintendent may
20 issue a notice of noncompliance which shall provide the private
21 school with a time frame within which to provide evidence of
22 compliance prior to taking action to suspend or revoke participation
23 in the scholarship program.

1 2. If the Superintendent intends to deny, suspend, or revoke
2 the participation of a private school in the scholarship program,
3 the Department shall notify the private school of the proposed
4 action in writing by certified mail and regular mail to the private
5 school's address of record with the Department. The Department
6 shall also notify any parents or legal guardians of scholarship
7 students attending the private school. The notification shall
8 include the reasons for the proposed action and notice of the
9 timelines and procedures set forth in this subsection.

10 3. The private school that is adversely affected by the
11 proposed action shall have fifteen (15) days from receipt of the
12 notice of proposed action to file with the Department a request for
13 an administrative hearing proceeding pursuant to the Administrative
14 Procedures Act.

15 4. Upon receipt of a request for a hearing, the State Board of
16 Education shall commence a hearing within sixty (60) days after the
17 receipt of the formal written request and enter an order within
18 thirty (30) days after the hearing.

19 5. The Board may immediately suspend payment of scholarship
20 funds if it is determined that there is probable cause to believe
21 that there is an imminent threat to the health, safety, or welfare
22 of the students or fraudulent activity on the part of the private
23 school.

24

1 L. No liability shall arise on the part of the state, the State
2 Board of Education, the State Department of Education or a school
3 district based on the award or use of any scholarship provided
4 through the Lindsey Nicole Henry Scholarships for Students with
5 Disabilities Program.

6 M. The inclusion of private schools within options available to
7 public school students in Oklahoma shall not expand the regulatory
8 authority of the state or any school district to impose any
9 additional regulation of private schools beyond those reasonably
10 necessary to enforce the requirements expressly set forth in this
11 section.

12 N. If the State Department of Education determines that a
13 school district prior to the effective date of this act has failed
14 to comply with the provisions of the Lindsey Nicole Henry
15 Scholarships for Students with Disabilities Program Act and has
16 failed to make full or partial scholarship payments for eligible
17 students, the Department shall have authority to reduce the amount
18 of State Aid allocated to the school district or require the school
19 district to make repayment to the Department of State Aid
20 allocations in an amount equal to the amount of scholarship payments
21 the school district failed to make. The Department shall make
22 payment to the parent or legal guardian in the amount the school
23 district failed to make in the manner as provided for in subsection
24 J of this section.

1 ENGROSSED HOUSE
2 BILL NO. 1230

By: McBride of the House

3 and

4 Weaver of the Senate

5
6
7 [education - requiring State Department of Education
8 to list on its website approved accrediting
9 associations - effective date]
10
11

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 3. AMENDATORY 70 O.S. 2011, Section 13-101.2, as
14 last amended by Section 1, Chapter 249, O.S.L. 2017 (70 O.S. Supp.
15 2018, Section 13-101.2), is amended to read as follows:

16 Section 13-101.2 A. There is hereby created the Lindsey Nicole
17 Henry Scholarships for Students with Disabilities Program. The
18 Lindsey Nicole Henry Scholarships for Students with Disabilities
19 Program is established to provide a scholarship to a private school
20 of choice for students with disabilities for whom an individualized
21 education program (IEP) in accordance with the Individuals with
22 Disabilities Education Act (IDEA) or an individualized service plan
23 pursuant to Section 1-4-704 of Title 10A of the Oklahoma Statutes
24 has been developed at any time prior to notifying the State

1 Department of Education of the intent to participate in the Program
2 and the IEP is in effect at the time the request for a scholarship
3 is received by the State Department of Education. Scholarships
4 shall be awarded beginning with the 2010-2011 school year.

5 B. The parent or legal guardian of a public school student with
6 a disability may exercise their parental option and request to have
7 a Lindsey Nicole Henry Scholarship awarded for the child to enroll
8 in and attend a private school in accordance with this section and
9 the scholarship shall be awarded if:

10 1. The student has spent the prior school year in attendance at
11 a public school in this state. For purposes of this section, "prior
12 school year in attendance" means that the student was enrolled in
13 and reported by a school district for funding purposes during the
14 preceding school year regardless of whether or not the student had
15 an IEP at the time the student was counted for funding purposes. A
16 student who is a child of a member of the United States Armed Forces
17 who transfers to a school in this state from out of state or from a
18 foreign country pursuant to a permanent change of station orders of
19 the parent shall be exempt from the requirements of this paragraph
20 but shall be required to meet all other eligibility requirements to
21 participate as provided for in this section. A student who has been
22 provided services under an Individual Family Service Plan through
23 the SoonerStart program and during transition was evaluated and
24 determined to be eligible for school district services shall be

1 exempt from the requirements of this paragraph but shall be required
2 to meet all other eligibility requirements to participate as
3 provided for in this section. A student who was in out-of-home
4 placement with the Department of Human Services, who was adopted
5 while in the permanent custody of the Department of Human Services
6 or who was in out-of-home placement with the Office of Juvenile
7 Affairs shall be exempt from the requirements of this paragraph but
8 shall be required to meet all other eligibility requirements to
9 participate as provided for in this section; and

10 2. The parent or legal guardian has obtained acceptance for
11 admission of the student to a private school that is eligible for
12 the program as provided in subsection H of this section and has
13 notified the State Department of Education of the request for a
14 scholarship. Requests to participate in the program made after
15 December 1 shall be granted, but funding for scholarships requested
16 after December 1 shall not be available until the beginning of the
17 next school year. The request shall be through a communication
18 directly to the Department in a manner that creates a written or
19 electronic record of the request and the date of receipt of the
20 request. The Department shall notify the school district upon
21 receipt of the request. For purposes of continuity of educational
22 choice, the scholarship shall remain in force until the student
23 returns to a public school, graduates from high school or reaches
24 the age of twenty-two (22), whichever occurs first. At any time,

1 the parent or legal guardian of the student may remove the student
2 from the private school and place the student in another private
3 school that is eligible for the program as provided in subsection H
4 of this section or place the student in a public school.

5 C. A student shall be eligible for a scholarship if the parent
6 or legal guardian of the student made a request for a scholarship
7 for the 2010-2011 school year and the student transferred to an
8 eligible private school but was subsequently denied a scholarship
9 because the student did not have an IEP in effect on October 1,
10 2009, but did meet all other eligibility requirements as set forth
11 in the Lindsey Nicole Henry Scholarships for Students with
12 Disabilities Program Act.

13 D. A student shall not be eligible for a Lindsey Nicole Henry
14 Scholarship if the student is not having regular and direct contact
15 with the private school teachers at the physical location of the
16 private school.

17 E. School districts shall notify the parent or legal guardian
18 of a public school student with a disability of all options
19 available pursuant to this section and inform the parent or legal
20 guardian of the availability of information about the program from
21 the State Department of Education through the toll-free telephone
22 number or website. The notification shall be provided with or
23 included in the copy of the "Parents Rights in Special Education:
24

1 Notice of Procedural Safeguards" document given to parents at least
2 annually or as otherwise required by law.

3 F. 1. Acceptance of a Lindsey Nicole Henry Scholarship shall
4 have the same effect as a parental revocation of consent to service
5 pursuant to 20 U.S.C., Sections 1414(a)(1)(D) and 1414(C) of the
6 IDEA.

7 2. Upon acceptance of a Lindsey Nicole Henry Scholarship, the
8 parent or legal guardian shall assume full financial responsibility
9 for the education of the student, including but not limited to
10 transportation to and from the private school.

11 G. If the parent or legal guardian requests a Lindsey Nicole
12 Henry Scholarship and the student is accepted by the private school
13 pending the availability of a space for the student, the parent or
14 legal guardian of the student shall notify the State Department of
15 Education before entering the private school and before December 1
16 in order to be eligible for the scholarship during the school year
17 when a space becomes available for the student in the private
18 school. If notification is made after December 1, payment of the
19 scholarship shall not begin until the next school year.

20 H. 1. To be eligible to participate in the Lindsey Nicole
21 Henry Scholarships for Students with Disabilities Program, a private
22 school shall notify the State Department of Education of its intent
23 to participate. The notice shall specify the grade levels and
24 services that the private school has available for students with

1 disabilities who are participating in the scholarship program. The
2 State Department of Education shall approve a private school as
3 eligible to participate in the scholarship program upon
4 determination that the private school:

5 ~~1. Meets~~

6 a. meets the accreditation requirements set by the State
7 Board of Education or another accrediting association
8 approved by the State Board of Education~~7.~~ The State
9 Department of Education shall list on its website all
10 accrediting associations approved by the Board,

11 ~~2. Demonstrates~~

12 b. demonstrates fiscal soundness by having been in
13 operation for one (1) school year or providing the
14 State Department of Education with a statement by a
15 certified public accountant confirming that the
16 private school desiring to participate is insured and
17 the owner or owners have sufficient capital or credit
18 to operate the school for the upcoming year by serving
19 the number of students anticipated with expected
20 revenues from tuition and other sources that may be
21 reasonably expected. In lieu of a statement, a surety
22 bond or letter of credit for the amount equal to the
23 scholarship funds for any quarter may be filed with
24 the Department~~7.~~

1 ~~3. Complies~~

2 c. complies with the antidiscrimination provisions of 42
3 U.S.C., Section 2000d~~†~~†

4 ~~4. Meets~~

5 d. meets state and local health and safety laws and
6 codes~~†~~†

7 ~~5. Will~~

8 e. will be academically accountable to the parent or
9 legal guardian for meeting the educational needs of
10 the student~~†~~†

11 ~~6. Employs~~

12 f. employs or contracts with teachers who hold
13 baccalaureate or higher degrees, or have at least
14 three (3) years of teaching experience in public or
15 private schools, or have special skills, knowledge, or
16 expertise that qualifies them to provide instruction
17 in subjects taught~~†~~†

18 ~~7. Complies~~

19 g. complies with all state laws relating to general
20 regulation of private schools~~†~~† and

21 ~~8. Adheres~~

22 h. adheres to the tenets of its published disciplinary
23 procedures prior to the expulsion of a scholarship
24 student.

1 2. Upon approval of a private school, the State Department of
2 Education shall provide on its website all information and material
3 submitted by the private school with its application and all
4 material considered by the State Department of Education in making
5 the eligibility determination provided for in paragraph 1 of this
6 subsection.

7 I. 1. Lindsey Nicole Henry Scholarship Program participants
8 shall comply with the following:

9 a. the parent or legal guardian shall select the private
10 school from the schools approved for eligibility
11 pursuant to subsection H of this section and apply for
12 the admission of the child,

13 b. the parent or legal guardian shall request the
14 scholarship no later than December 1 of the school
15 year during which the scholarship is requested,

16 c. any student participating in the scholarship program
17 shall attend throughout the school year, unless
18 excused by the school for illness or other good cause,
19 and shall comply fully with the code of conduct for
20 the school,

21 d. the parent or legal guardian shall fully comply with
22 the parental involvement requirements of the private
23 school, unless excused by the school for illness or
24 other good cause, and

1 e. upon issuance of a scholarship warrant, the parent or
2 legal guardian to whom the warrant is made shall
3 restrictively endorse the warrant to the private
4 school for deposit into the account of the private
5 school. The parent or legal guardian may not
6 designate any entity or individual associated with the
7 private school as the attorney in fact for the parent
8 or legal guardian to endorse a warrant. A parent or
9 legal guardian who fails to comply with this
10 subparagraph shall forfeit the scholarship.

11 2. A participant who fails to comply with this subsection
12 forfeits the scholarship.

13 J. Provisions governing payment of a Lindsey Nicole Henry
14 Scholarship shall be as follows:

15 1. The State Department of Education shall calculate the total
16 cost of all scholarships for all eligible students in the state.
17 The State Department of Education shall then reserve or retain from
18 the total amount appropriated to the State Board of Education for
19 State Aid purposes and any other revenue available for allocation
20 for State Aid purposes the total cost for all scholarship payments;

21 2. The maximum scholarship granted for an eligible student with
22 disabilities shall be a calculated amount equivalent to the total
23 State Aid factors for the applicable school year multiplied by the
24 grade and disability weights generated by that student for the

1 applicable school year. The disability weights used in calculating
2 the scholarship amount shall include all disability weights which
3 correspond to the disabilities included in the multidisciplinary
4 evaluation and eligibility group summary for the student at the time
5 the request for a scholarship is made by the parent or legal
6 guardian. The maximum scholarship amount shall be calculated by the
7 State Board of Education for each year the student is participating
8 in the scholarship program;

9 3. The amount of the scholarship shall be the amount calculated
10 in paragraph 2 of this subsection or the amount of tuition and fees
11 for the private school, whichever is less, minus up to two and one-
12 half percent (2 1/2%) of the scholarship amount which may be
13 retained by the State Department of Education as a fee for
14 administrative services rendered. The amount of any assessment fee
15 required by the private school and the amount associated with
16 providing services and therapies to address the disabilities of the
17 student may be paid from the total amount of the scholarship. The
18 amount of the scholarship shall be prorated to reflect the number of
19 days remaining in the current school year, if the scholarship
20 request is granted after the beginning of the school year;

21 4. The State Department of Education shall notify the private
22 school of the amount of the scholarship within ten (10) days after
23 receiving the request for a scholarship, when the total State Aid
24 factors have been determined for the current fiscal year. The

1 initial payment shall be made after the Department verifies
2 admission acceptance and enrollment. Quarterly payments shall be
3 made upon verification of continued enrollment and attendance at the
4 private school. Payment shall be made by the Department with an
5 individual warrant made payable to the parent or legal guardian of
6 the student and mailed by the Department to the private school that
7 the parent or legal guardian chooses. The parent or legal guardian
8 shall restrictively endorse the warrant to the private school for
9 deposit into the account of the private school;

10 5. The State Department of Education shall not be responsible
11 for any additional costs associated with special education and
12 related services incurred by the private school for the student
13 including the cost of teachers, equipment, material, and special
14 costs associated with the special education class;

15 6. The State Department of Education shall establish a toll-
16 free telephone number or website that provides parents or legal
17 guardians and private schools with information about the program;

18 7. The State Department of Education shall require an annual,
19 notarized, sworn compliance statement by participating private
20 schools certifying compliance with state laws and shall retain all
21 records received from a participating private school. The State
22 Department of Education shall post on its website the annual
23 compliance statement for each participating private school; and
24

1 8. The State Department of Education shall cross-check the list
2 of participating scholarship students with the public school
3 enrollments prior to each scholarship payment to avoid duplication.

4 K. 1. The State Superintendent of Public Instruction shall
5 deny, suspend, or revoke the participation of a private school in
6 the scholarship program if it is determined that the private school
7 has failed to comply with the provisions of this section. However,
8 in instances in which the noncompliance is correctable within a
9 reasonable amount of time and in which the health, safety, or
10 welfare of the students is not threatened, the Superintendent may
11 issue a notice of noncompliance which shall provide the private
12 school with a time frame within which to provide evidence of
13 compliance prior to taking action to suspend or revoke participation
14 in the scholarship program.

15 2. If the Superintendent intends to deny, suspend, or revoke
16 the participation of a private school in the scholarship program,
17 the Department shall notify the private school of the proposed
18 action in writing by certified mail and regular mail to the private
19 school's address of record with the Department. The Department
20 shall also notify any parents or legal guardians of scholarship
21 students attending the private school. The notification shall
22 include the reasons for the proposed action and notice of the
23 timelines and procedures set forth in this subsection.

1 3. The private school that is adversely affected by the
2 proposed action shall have fifteen (15) days from receipt of the
3 notice of proposed action to file with the Department a request for
4 an administrative hearing proceeding pursuant to the Administrative
5 Procedures Act.

6 4. Upon receipt of a request for a hearing, the State Board of
7 Education shall commence a hearing within sixty (60) days after the
8 receipt of the formal written request and enter an order within
9 thirty (30) days after the hearing.

10 5. The Board may immediately suspend payment of scholarship
11 funds if it is determined that there is probable cause to believe
12 that there is an imminent threat to the health, safety, or welfare
13 of the students or fraudulent activity on the part of the private
14 school.

15 L. No liability shall arise on the part of the state, the State
16 Board of Education, the State Department of Education or a school
17 district based on the award or use of any scholarship provided
18 through the Lindsey Nicole Henry Scholarships for Students with
19 Disabilities Program.

20 M. The inclusion of private schools within options available to
21 public school students in Oklahoma shall not expand the regulatory
22 authority of the state or any school district to impose any
23 additional regulation of private schools beyond those reasonably
24

1 necessary to enforce the requirements expressly set forth in this
2 section.

3 N. If the State Department of Education determines that a
4 school district prior to the effective date of this act has failed
5 to comply with the provisions of the Lindsey Nicole Henry
6 Scholarships for Students with Disabilities Program Act and has
7 failed to make full or partial scholarship payments for eligible
8 students, the Department shall have authority to reduce the amount
9 of State Aid allocated to the school district or require the school
10 district to make repayment to the Department of State Aid
11 allocations in an amount equal to the amount of scholarship payments
12 the school district failed to make. The Department shall make
13 payment to the parent or legal guardian in the amount the school
14 district failed to make in the manner as provided for in subsection
15 J of this section.

16 O. The State Department of Education shall annually prepare and
17 post on its website a report of Lindsey Nicole Henry Scholarships
18 for Students with Disabilities Program. The annual report shall
19 include, but not be limited to, the following information:

20 1. The total number and amount of scholarships awarded and
21 reported for each participating private school;

22 2. The total number of scholarships denied;

23 3. The total number and amount of scholarship payments
24 suspended for each participating private school; and

1 4. Data on participating students, disaggregated by years of
2 participation in the program, grade level, gender, economically
3 disadvantaged status, racial and ethnic groups and disability
4 category.

5 SECTION 4. This act shall become effective November 1, 2019.

6 Passed the House of Representatives the 13th day of March, 2019.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2019.

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Presiding Officer of the Senate

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